

Protecting Michigan's Longstanding Trespasser Liability Laws (HB 5335)

Supporters:

Michigan Chamber of Commerce

National Federation of Independent Business

Michigan Railroads Association

Michigan Manufacturers Association

Consumers Energy

DTE Energy

American Petroleum Institute

Michigan Aggregates Association

Apartment Association of Michigan

International Council of Shopping Centers

Insurance Institute of Michigan

Property and Casualty Insurers Association

Michigan Forest Products Council

Property Management Association of Michigan

Plum Creek

Michigan Association of Realtors

Michigan Concrete Association

SteelPro

SEMCO Energy

Michigan Agri-Business Association

Michigan Electric and Gas Association

Potato Growers of Michigan, Inc.

Background: Under current law, a land owner does not owe a duty of care to protect trespassers on their property, except in a few narrow and well-defined circumstances. Legislation is needed to preempt Michigan courts from adopting a provision in the American Law Institute's 2012 *Restatement Third of Torts: Liability for Physical and Emotional Harm* ("Restatement").

Problem: The Restatement seeks to upend the longstanding approach by recommending that courts impose a duty on land owners to exercise reasonable care for all entrants on their land, including unwanted trespassers. The Restatement would dramatically expand trespassers' rights to sue landowners and impose costly burdens on property owners to protect themselves from trespassers and even potentially lead to higher property insurance premiums. The Restatement would impact both commercial and residential property owners .

Solution: The safest approach would be to pass legislation to freeze current law to preempt courts from adopting the new Restatement's approach. Legislation to codify current law has proven to be non-controversial in other states and has passed with bipartisan support.

Please support House Bill HB 5335.